IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WA.No. 1846 of 2007()

AGAINST THE JUDGEMENT IN WPC.22831/2007 Dated 25/07/2007
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APPELLANT: RESPONDENTS
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1. UNIVERSITY OF CALICUT, REPRESENTED BY
THE REGISTRAR, CALICUT UNIVERSITY CAMPUS,
THENHIPALAM, MALAPPURAM DISTRICT.

2. THE VICE CHANCELLOR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY CAMPUS,
THENHIPALAM, MALAPPURAM DISTRICT.

3. THE SYNDICATE, REPRESENTED BY
ITS CHAIRMAN, UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY CAMPUS, THENHIPALAM,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

RESPONDENTS: PETITIONER

DR. P.P.MOHAMMED, S/O. EASAKUTTY,
REGISTRAR, (UNDER SUSPENSION),
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,
MALAPPURAM DISTRICT, RESIDING AT B1 QUARTERS,
CALICUT UNIVERSITY P.O., MALAPPURAM.

BY ADV. P.K.IBRAHIM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

W.A. 1846/2007

Dated this the 26th day of July, 2007

JUDGMENT

Radhakrishnan, J.

Writ appeal is preferred against the interim order dated 25.7.2007 in W.P.(C).22831/2007. Writ Petition was preferred seeking a writ of certiorari to quash Ext.P27 order of suspension as well as for a direction to the first respondent to hear the petitioner on the alleged irregularities and misconduct and decide as to whether further proceeding is warranted and also for an interim direction to the respondents to reinstate the petitioner in service pending disposal of the Writ Petition.

2. The Syndicate of the University met on 19.7.2007 and passed the following resolution which reads as follows:-

> "the Syndicate having been prima facie satisfied that Dr.P.P.Mohamed, Registrar of the University, has committed grave irregularity, misconduct and dereliction of duty in the course of his discharge of duties and functions, has resolved to keep him under suspension pending disciplinary action with immediate effect."

3. Following the above mentioned resolution, Ext.P27 order was passed keeping the petitioner under suspension stating that separate orders would be issued regarding the enquiry into the allegations as per Syndicate decision. Ext.P27 order was served on the petitioner and he had handed over charge to Smt.K.V.Radhamani, Acting Finance Officer on 19.7.2007 itself evidenced by Annedure-A1. On 20.7.2007 vide Annexure-A2, Finance officer in turn handed over charge of Registrar to one Dr.T.K.Narayanan, Senior most Professor of the University. Petitioner filed the Writ Petition only on 24.7.2007. On 25.7.2007 an application for reinstatement of the petitioner in service was moved before the learned Single Judge. Learned Judge passed an order keeping Ext.P27 order of suspension in abeyance since the objection filed by the petitioner against Ext.P19 was yet to be disposed of.

4. Petitioner was placed under suspension not on the strength of Ext.19 show cause notice but on the basis of the Syndicate resolution dated 19.7.2007.

Further the petitioner has handed over charge on 19.7.2007 itself and a new incumbent already assumed office on that date itself. Under such circumstances there is no justification in directing reinstatement.

5. We are therefore inclined to set aside the interim order passed by the learned Single Judge. Considering the nature of the contentions raised by the counsel on either side, we are inclined to give a direction to Registry to post the Writ Petition for hearing on 20.8.2007 before the appropriate Court. Counsel appearing for the respondent submitted that he would file the counter affidavit withing three weeks from today.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs